

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. With this amendment, claims 1, 11, and 19 have been amended, no claims have been cancelled, and no claims have been added. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier. Thus, claims 1-3, 5-11, and 13-25 remain pending in the application. Support for the amendments to claims 1, 11, and 19 can be found in the disclosure in at least the following: claims 1 and 11 – paragraph [0029] of the specification, claim 19 – previously presented claim 19. No new matter has been added.

Drawings

The drawing submitted on November 4, 2008 was not accepted because the Examiner asks “How can fluid flow in two directions at once?” (Office action, page, 2, line 8). Applicants respectfully traverse this objection.

The fluid is not flowing in both directions at the same time. As discussed in paragraph [0024] of the specification, “[u]pon establishing a voltage drop between electrode 128 and electrode 130, electroosmotic flow occurs from reservoir 114 to reservoir 116, **or vice versa depending on field polarity.**” (emphasis added). That is, the polarity of the electrodes can be reversed which results in a reversal of the fluid flow. The fluid does not flow in two directions at the same time. Applicants respectfully request withdrawal of the objection.

Claim Rejections - 35 USC § 112

Claims 1-3, 5-11, and 13-25 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Specifically, claims 1 and 11 were rejected because “the explanation of how convective flow is to be

produced is inconsistent with claims 1 and 11 and the claims depending therefrom because claims 1 and 11 do not, indeed none of the claims, require suppressed electroosmotic flow in any channel.” (Office action, page 5, lines 11-14). Claims 19 and 22-25 were rejected because “One with ordinary skill in the art at the time of the invention would expect the voltage gradient along the particle separating channel to also create electroosmotic flow.” (Office action, page 5, line 22 to page 6, line 2). Applicants respectfully traverse the rejection.

Claims 1 and 11 have been amended to recite “wherein either the first pump channel or the second pump channel is coated to suppress electroosmotic flow.”

In view of the above amendment, applicant believes the pending application is in condition for allowance. The Director is authorized to charge any fees necessary and/or credit any overpayments to Deposit Account No. 03-3975, referencing Docket No. 043395-0378308.

Respectfully submitted,

Dated: April 15, 2009

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